

REMARKS

The examiner required election between the following species: a) Figs. 1-2B, b) Figs. 3-5, and c) Figs. 6-9. Applicants elect the species of Figs. 1-2B with traverse. At least claims 1, 2, 5-11, and 21 are believed to read on the elected species. Nonetheless, applicants submit that the examiner should examine at least claims 1-11 and 21 as grouped by the examiner for the following reasons.

The examiner asserts that the species do not relate to a single general inventive concept under PCT Rule 13.1 and 13.2. Applicants submit that the species requirement (i.e., used in U.S. patent practice) SIMPLY CANNOT be made under the PCT Rules. Moreover, the classification (classified in separate classification groups) of the claims cannot be the basis for determining the unity of invention. See MPEP § 1850 and § 1893.03(d). Unity of invention has to be considered only in relation to the different **independent** claims and not their dependent claims. That is, the examiner may restrict between different independent claims if they are sufficiently different in scope, but cannot restrict between the independent claim and their dependent claims. Note that PCT Rule 13.4 permits “a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, **even where the features of any dependent claim could be considered as constituting in themselves an invention.**” [Emphasis added].

Applicants thus urge the examiner to examine at least claims 1-11 and 21 as grouped by the examiner.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

09 APRIL 2008

DATE

/Lyle Kimms 040908/

LYLE KIMMS

REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

P.O. Box 826
ASHBURN, VA 20146-0826
703-726-6020 (PHONE)
703-726-6024 (FAX)